

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 25862 of 2007

-
Date: 06.12.2007

Between:

Smt. G. Rajya Lakshmi.

..... PETITIONER

AND

The Asst. Divisional Engineer,
Operation, Town-2, Andhra Pradesh,
Southern Power Distribution Company Limited,
Guntur and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 25862 of 2007

Order:

Questioning the impugned proceedings dated 02.12.2006, issued by respondent No.2, keeping the earlier orders issued on 18.10.2006 in abeyance, the petitioner filed the present writ petition.

The petitioner claims to be in possession and enjoyment of the property in question i.e., Rayapati Veeraiah Ginning Mill, situated at Amaravathi Road, Guntur, by virtue of a registered Will dated 05.03.1999, said to have executed by her late father. She states that pursuant to the said Will, she made a representation dated 10.10.2006 requesting respondent No.2 to transfer the Service Connection No. 53589 of the said Mill in her name, and respondent No.2, after taking into consideration her representation and the said Will dated 05.03.1999, issued proceedings dated 18.10.2006, transferring the said Service Connection in her name. Later on, based on the representation dated 24.10.2006, made by the unofficial respondent No.3, wherein he has brought to the notice of respondent Nos.1 and 2 about the existence of subsequent Will dated 02.10.2001 and pendency of litigation between him and the petitioner in O.S. No. 160 of 2004 on the file of the Senior Civil Judge, Guntur, with regard to title of the said Mill, respondent No.2 has issued the impugned proceedings, keeping the earlier orders issued on 18.10.2006 in abeyance, which is the subject matter of the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for respondent Nos.1 and 2.

The main contention of the petitioner is that when once respondent No.2, after considering the representation made by the

petitioner and the Will dated 05.03.1999, has issued the proceedings, transferring the service connection of the Mill in question in the name of the petitioner, now he cannot be allowed to keep the said orders in abeyance, merely based on the representation made by respondent No.3. I am unable to accept the said contention. Admittedly, in respect of the Mill in question, there is a title dispute pending between the petitioner and respondent No.3 in O.S. No. 160 of 2004 on the file of the Senior Civil Judge, Guntur. That apart, the Will dated 05.03.1999, said to have been executed in favour of the petitioner by her late father, itself is in dispute. Since there is a title dispute pending between the petitioner and respondent No.3 in respect of the Mill in question, respondent No.2 has rightly issued the impugned proceedings, keeping the earlier orders issued on 18.10.2006, transferring the Service Connection No. 53589 in the name of the petitioner, in abeyance, and I see no reason to interfere with the same in exercise of jurisdiction under Article 226 of the Constitution of India.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

N.V. RAMANA, J.

Date: 06.12.2007

Nsr